

## MEETING MINUTES OF THE ELSMERE CITY COUNCIL

April 11, 2023

6:30 PM

**LOCATION:** Elsmere City Building

**INVOCATION AND PLEDGE:** The invocation was given by Councilman Malcolm Daniels, followed by the Pledge of Allegiance.

**ROLL CALL:** The following members were present: Mayor Marty Lenhof, Councilwoman Joanne Barnett Smith, Councilman Malcolm Daniels, Councilwoman Gloria Grubbs, Councilwoman Serena Owen, Councilwoman Missy Tester, and Councilwoman Maria Vogt.

### **APPROVAL OF MINUTES:**

Councilwoman Barnett Smith made a motion to approve the minutes of the March 14, 2023, Council Meeting. Councilwoman Vogt seconded the motion. All members present voted aye. **Motion carried and so ordered.**

Councilwoman Tester made a motion to approve the minutes of the April 4, 2023, Caucus Meeting. Councilman Daniels seconded the motion. Councilwoman Serena Owen would like to place in the record that City Attorney Greg Voss stated that the city was not currently using the Robert's Rules of Order. She asked to have this placed in the minutes. She would like to have the minutes amended to state that. Councilwoman Grubbs made a motion to approve the minutes as amended and Councilman Daniels seconded the motion. All members present voted aye. **Motion carried and so ordered.**

**Mayor Lenhof stated that prior to the start of the Administrative Reports that there is addition to the agenda to add an Executive Order pursuant to KRS 61(1)(b) proposed and pending litigation. He asked if anyone had any issues on adding this to agenda. No one had any issues. The Executive Session was added.**

### **ADMINISTRATIVE REPORTS:**

**Code Enforcement Officer Chris Preston & Zoning Administrator Rich Aliff** were not in attendance but submitted written reports to Council.

**City Attorney Greg Voss** stated he spent time working on the Juneteenth Ordinance and the Chicken Ordinance. He has also been working on a foreclosure action that was approved in a previous meeting and pending litigation.

**Public Works Director Chris Zerhusen** stated that they spent time demolishing the house at 4117 Dixie Highway. The department also completed the landscaping at the parks and has begun grass cutting. He stated that the department has interviews set up for the following week.

Councilwoman Barnett Smith stated that there is a pole that is leaning on Eastern Avenue. Chris stated that he would go check it out.

**Police Chief Joe Maier** reported the department has completed 102 hours of in-service and Bridge training. Every member of the department also completed DOJT emergency operations training. He stated that members of the police department and public works did a fantastic job moving the police department. The department was moved over a three-day period. All 5,853 pieces of evidence were also moved. The city would like to thank the Independence Police Department for providing three detectives as witnesses for the evidence move. Those detectives spent 48 hours helping our department. Other departments handled calls for the city to make the move. He also stated that the entire police department conducted range qualifications at the Grant County Training Facility.

Councilwoman Grubbs stated that there was a really good news story about the move.

**Parks and Recreation Director Denise Donahue** Denise stated that the annual Easter Egg Hunt was held on March 31<sup>st</sup>. She stated that it was muddy and windy, but the children had a good time. She stated that the next

event is May 12<sup>th</sup>, the city will be holding a movie night. She stated that on May 20<sup>th</sup> the Newport Aquarium shark cart will be at Rosella Porterfield Park.

Councilwoman Owen wanted to thank Denise for all these events. She also asked if the Florence Waterpark had reached out to Denise, she stated that they had in boxed her. Denise stated that it was scheduled for August.

**City Clerk Misty Ezell** had no report.

**City Treasurer Jessica Lucius** submitted a written report. There were no questions for this department. Councilwoman Owen asked if the council would have a budget review or budget workshop. Mayor Lenhof stated that it would be up to the council, but he had mentioned it in previous years, but the council preferred to have the budget given to them and they review it on their own and if they had questions they would call. He stated in the past the council was comprised of veterans who knew how the budget process works. Mr. Dowling stated that the May caucus meeting is dedicated to the budget.

**Community Center Director Carol Cope** was not in attendance but submitted a written report. There were no questions for this department. Councilwoman Owen stated that it was nice to see all the activities that she offers at the center.

**City Building Update** Mayor Lenhof stated that he would like to skip this department as he has updates in his report.

Councilwoman Owen made a motion to approve the Administrative Reports. Councilwoman Vogt seconded the motion. All members present voted aye. **Motion carried and so ordered.**

**Mayors Report** Mayor Lenhof reported that himself and Sgt. Brian Machal went to pick up some grant money that Chief Maeir had put in for.

He stated that the door had been placed in the reception area door. He stated that there was a sewer back-up in the basement. The Public Works Department inspected the item and detected the problem prior to the plumbers coming to the office. They worked quickly and prevented water damage to the building. The council chamber door was to be placed the following week. He thanked Matt, Misty, Jessica, Dee, and Shanna for their work.

**City Administrator's Report** **City Administrator Dowling** stated the employees have transitioned into the building and we will begin planning for the Open House Celebration. He will be getting with Denise and Misty and the Mayor to start plans. He would like to thank everyone for their well wishes while he was sick. He is working on the budget for the May caucus. He wants to remind the community about mowing their grass. He stated that the city is already getting complaints.

**General Items:**

**Municipal Order 3-2023 – Surplus Property**

City Clerk Misty Ezell read the order in summary. Councilwoman Gloria Grubbs made a motion to approve the order as read. Councilwoman Barnett Smith seconded the motion. All members voted aye. **Motion carried and so ordered.**

**Municipal Order 4-2023 – Surplus Property**

City Clerk Misty Ezell read the order in summary. Councilwoman Gloria Grubbs made a motion to approve the order as read. Councilwoman Tester seconded the motion. All members voted aye. **Motion carried and so ordered.**

**Ordinance 1822-2023 – Chicken Pilot Program**

**Attorney Greg Voss Read in Summary Ordinance 1822-2023 for the second reading.**

**AN ORDINANCE OF THE CITY OF ELSMERE, KENTON COUNTY,**

**KENTUCKY, PROVIDING FOR A TWELVE-MONTH PILOT PROGRAM OF UP TO FIVE TEMPORARY PERMITS IDENTIFIED BY LOTTERY FOR THE ALLOWANCE OF ANY PERSON WITHIN THE CITY LIMITS TO KEEP FOWL OWNED AT A PERSON'S RESIDENCE.**

Councilwoman Barnett Smith made a motion to accept Ordinance 1822-2023 as read. Councilwoman Tester seconded the motion. Mayor Lenhof asked if there were any questions. Councilman Daniels asked if the program started on May 1<sup>st</sup> when would the lottery take place? Attorney Voss stated that it would be prior to May 1<sup>st</sup>. Councilwoman Owen asked what the written approval from the neighbors look like and when is it due. It is a written approval from the neighbor and will be due when turning in the application. Councilman Daniels stated that those who were thinking of getting chickens probably have already talked to their neighbors. Mr. Dowling stated that there is a formal application. Councilwoman Owen asked how people will know to apply. City Clerk Misty Ezell stated that it would be advertised on the city's Facebook and website. Councilwoman Owen asked if the lottery would have a secure date so that people will be able to watch the drawing. Mayor Lenhof called for a roll call vote. Councilwoman Vogt – No, Councilwoman Barnett Smith – yes, Councilman Daniels – yes, Councilwoman Grubbs – no, Councilwoman Owen – yes, and Councilwoman Tester - yes. All members present voted aye. **Motion carried and so ordered.**

**Ordinance 1823-2023 – Juneteenth**

Attorney Greg Voss Read in Summary Ordinance 1822-2023 for the first reading.

**Ordinance 1824-2023 – Budget Amendment**

Attorney Greg Voss Read in Summary Ordinance 1822-2023 for the first reading.

Prior to entering executive session Mayor Lenhof stated that the PVA office would be at the Elsmere City Building to answer questions on the property assessments.

Councilwoman Owen asked to do council reports prior to executive session.

City Administrator Dowling read a report that was provided by the Erlanger Elsmere Historical Society.

Mayor Lenhof asked for a motion to enter executive session pursuant to KRS 61 (1) (b) proposed and pending litigation. Councilwoman Grubbs made the motion to enter executive session and Councilwoman Tester seconded the motion. All voted in favor. The council went into executive session at 7:15 p.m.

Councilwoman Tester made a motion to reconvene regular session and stated that no action was taken. Councilwoman Vogt seconded the motion. All voted in favor. The council exited executive session at 7:29 p.m.

**Council Reports:**

Councilwoman Gloria Grubbs – Councilwoman Grubbs she brought a blanket signifying Blue Lives Matter. She stated that she was troubled about what happened in Louisville, Kentucky. She is thankful for our police officers. She stated that the Police Officer is the first ones running into any situation. She wanted to remind everyone about how important our Police Department is and to pray for the young man that was injured.

Councilman Malcolm Daniels – stated that he would be working with Parks and Recreation Director Denise Donahue concerning the kickball program for this summer.

Councilwoman Joanne Barnett Smith. – wanted to thank parents for bringing their children to the Easter Egg Hunt. She also wanted to remind everyone that it is grass cutting season and to please not blow their clippings in the street. She also wanted to remind people that with the longer daylight hours and summer coming that kids will be out longer and to use caution.

Councilwoman Maria Vogt -wanted to thank the Public Works Department she stated that house that was taken down on dixie Highway was done efficiently.

Councilwoman Missy Tester – stated that the Public Works Department does a great job.

Councilwoman Serena Owen – read her report as follows: Many thanks to all who serve our great City of Elsmere! My thoughts and prayers go out to all affected and harmed by gun violence. Thank you to our Police for your service and sacrifice. I appreciate you. Last month I helped host a public education session called Clean Water Act, Impaired Waters, and You in partnership with Ms. Pamela Mullins, Kenton Co. Soil and Water Conservation District Board Supervisor Larry Owen, & Erlanger Councilwoman Renee Wilson. Guest presenters were Brian Storz, Division of Water Licking River Basin Coordinator, Environmental Scientist Katie McKone w/KY Division of Water, and Banklick Watershed Council Watershed Coordinator Nicole Clements. Please see their presentation attached, google Kentucky Energy and Environment Cabinet, and visit their website for more information. The KY Division of Water currently has a 60-day public comment period where you can submit questions or concerns about impaired waters like Banklick Creek & Doe Run Lake via email to TMDL@ky.gov. Anyone interested in providing feedback has until April 22, 2023, to leave a comment or question and they will respond. Thank you. Strategic Planning and Certified Cities of Ethics – While attending the Kentucky League of Cities Academy, I spoke with Mr. Long & Mr. Johnson of KLC who shared that they would be happy to come to our next Caucus and Council meetings to talk about the KLC Certified Cities of Ethics Program and about updating our Elsmere Strategic Plan. I was a part of creating our Elsmere Strategic Plan as a community leader and now I'm excited to be a part of updating it as a Councilmember. Since our Elsmere Code of Ethics has not been updated since it was adopted in 1994, I am requesting that Certified Cities of Ethics discussion be added to our May 2nd City Council Caucus meeting and since it's a good time to review our 2016 Elsmere Strategic Plan, I ask that it be added to our May 9th City Council Agenda please. Thank you. I am in support of the City of Elsmere purchasing and raising the Juneteenth flag in multiple locations throughout Elsmere the month of June and making Juneteenth Holiday in the City of Elsmere. I am also in support of the Elsmere City Council hosting participating in the parade and hosting an information booth during the Juneteenth Celebration on Sunday June 18th at First Baptist Church of Elsmere. The Randolph Initiative Day Camp at Northern Kentucky University & UK College of Medicine is open to all students from participating high schools. The Program purpose is to inspire African American students in NKY, in the tradition of Dr. James E. Randolph, to become professionals in medical, healthcare, and science through academic enrichment, leadership development, civic engagement, and mentoring. The day camp is APRIL 21 at Nunn Drive Highland Heights, Kentucky 41099 For more info. please contact Mr. Michael Guy, Premedical Pathways Director, Office: (859) 572-6552, Email: GuyM1@nku.edu (flyer attached). April is Autism Awareness Month. As Mayor Lenhof and a couple Councilmembers are aware, my daughter is on the Autism Spectrum. She is a kind, respectful, hardworking student at Lloyd High School who serves as a model for Autism Awareness and was one of our student Council members during Elsmere Government Shadow Day. She is also a youth who leads her school and our community to help others know that individuals with Autism are talented and a valuable part of our community. Each month the Elsmere Police serves my Council meeting agenda and packet to me at home. My father like my husband is a US Marine Veteran and he is a retired Police Officer. I have much love and respect for him and all who serve our country & communities. As well-meaning as Police Officers may be, the random police knock on the door or ringing the doorbell at my home, gives the impression that I or someone in my home is being served a warrant or has done something wrong when we have not. The act of the Police coming to my home to serve me or whoever answers the door papers is traumatizing to my family especially my daughter who has Autism and a Sensory disorder. I make a motion that we (City of Elsmere & Councilmembers) have the option of picking up our Council packets a week prior to the City Council meeting (which I previously requested as an accommodation) and that we are not forced to have Council documents served to us at our home. I ask that this stop immediately. I want to pick up my agenda packet at the City building or have it emailed to me a week prior to the Council meeting please. Thank you. The safety of the City of Elsmere, this Council, our families, and community is important and a priority of mine. Last week during the Elsmere City Council Caucus while our mics were off, I could clearly hear the traffic outside with vehicles traveling up and down Dixie Highway. I mentioned that I could barely hear the proceedings due to the noise. I got up to see what was behind the door that's behind my Council seat in the Chambers. The door was unlocked. When I opened it, I saw the outdoors. I also witnessed folks being let inside these Council Chambers

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through the front outside door. These things are concerns that could be safety risks for our Council, City employees, our Mayor, and the public. I am requesting you to move my seat. "With the resources the Elsmere City Council has, which of these community needs can we provide for/fulfill?" Thank you.

**ADJOURNMENT**

Councilwoman Gloria Grubbs made a motion to adjourn the meeting. Councilwoman Missy Tester Seconded the motion. The meeting was adjourned at 8:01 p.m.

Attest:

Misty Ezell  
Misty Ezell, City Clerk

Marty Lenhof  
Mayor Marty Lenhof

Marty Lenhof